

Memorandum 2020-14

**Statutes Made Obsolete by Trial Court Restructuring (Part 6):
Regional Justice Facilities Acts (Comments on Discussion Draft)**

In January, the Commission released and widely distributed a discussion draft entitled “*Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts.*”¹ The discussion draft solicited comments on whether and, if so, how to revise three acts relating to regional justice facilities to reflect the restructuring of California’s trial court system. The due date for comments on the discussion draft was March 1st.

The Commission received the following comments:

	<i>Exhibit p.</i>
• Kim Bartleson, Humboldt County Superior Court (2/27/20)	1
• Charles Martel, Judicial Council (2/28/20)	20
• Susan Michl, County of San Bernardino (2/28/20)	21
• Robert J. Oftring, Los Angeles County Superior Court (2/5/20)	22
• Hon. Michael Sachs & Nancy Eberhardt, San Bernardino County Superior Court (1/24/20)	23
• Robert Sherman, Ventura County Superior Court (2/20/20)	24

The Commission is grateful for this input and appreciates the time and effort that went into preparing the comments.

This memorandum presents and analyzes the comments. Further comments are still welcome, both from those who have already commented and from those who have not yet done so.

The memorandum starts by summarizing the discussion draft and the staff’s efforts to obtain input on that draft. The remainder of the memorandum focuses on the comments and considers how to proceed in light of them.

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

Unless otherwise indicated, all statutory references in this memorandum are to the Government Code.

SUMMARY OF THE DISCUSSION DRAFT

The Government Code includes three adjacent acts relating to financing of regional justice facilities (hereafter, the “Regional Justice Facilities Acts”):

- (1) The San Joaquin County Regional Justice Facility Financing Act (hereafter, the “San Joaquin County Act”), which is codified as Sections 26290-26293.4. This act is reproduced at pages 17-24 of the discussion draft.
- (2) The Orange County Regional Justice Facilities Act (hereafter, the “Orange County Act”), which is codified as Sections 26295-26298.58. This act is reproduced at pages 25-42 of the discussion draft.
- (3) The County Regional Justice Facilities Financing Act (hereafter, the “Multi-County Act”), which is codified as Sections 26299.000-26299.083. This act pertains to Humboldt, Los Angeles, Riverside, San Bernardino, Stanislaus, and Ventura Counties. It is reproduced at pages 43-60 of the discussion draft.

Each act contains a provision with legislative findings and declarations, which states that it is in the public interest to:

- Address overcrowding of local jails and court facilities.
- Create, or authorize the creation of, a new governmental entity with responsibilities relating to regional justice facilities.
- Allow voters to decide whether to impose a countywide tax to fund regional justice facilities.

Consistent with the legislative findings, each act provides for creation of a new governmental entity in a county (or in any or all of several counties) and specifies its composition, powers, duties, limitations, and other attributes.

The acts vary somewhat in content, but generally the new entities are responsible for planning, acquiring, constructing, maintaining, and/or operating criminal justice facilities (including some or all court facilities) in a particular county. To finance their activities, the acts allow a county to impose a retail transactions and use tax if the voters approve the tax. The ballot proposition on the tax may call for issuance of bonds payable from the proceeds of the tax.

All three of these acts were enacted in the late 1980's. To the best of our knowledge, none of them has ever been used for its intended purposes. In part, that is because there were constitutional challenges regarding the necessary margin of voter approval, which have since been statutorily addressed. Perhaps more importantly, ballot propositions proposing taxes under the acts for Los Angeles County and Orange County were soundly defeated at the polls.

Each of the acts appears to contain some material that is obsolete due to the extensive restructuring of California's trial court system that occurred around the turn of the century and the follow-up transfers of court facilities from the counties to the state. For example, the Multi-County Act still contains a reference to municipal courts, which no longer exist. Similarly, all three acts allocate key roles to boards of supervisors and their members, giving the judiciary relatively little control over court facilities. That was appropriate when counties were responsible for trial court facilities, but it may now conflict with the Trial Court Facilities Act, which gives the judiciary broad authority over trial court facilities.

The Commission is responsible for reviewing the codes and recommending statutory revisions to remove material made obsolete by trial court restructuring. However, determining how to approach the outdated material in the Regional Justice Facilities Acts might require some deeper policy decisions than straightforward statutory clean-up. Such decisions may go beyond the Commission's contemplated role.

For that reason, the Commission deviated from its usual study process in deciding how to handle the Regional Justice Facilities Acts. Instead of preparing and seeking comment on a tentative recommendation proposing specific reforms, the Commission circulated a discussion draft that posed questions without proposing any specific reforms.

The key part of the discussion draft explains:

Reconciling the Regional Justice Facilities Acts with the Trial Court Facilities Act could perhaps be done, but it would require care and entail various policy decisions that may go beyond the Commission's statutory clean-up role in this study. To give just a few examples:

- Should the Acts be amended to apply only to detention facilities, deleting all references to court facilities? Would this preclude using these Acts for purposes of building a detention facility that includes a courtroom? If so, is that advisable?

- If the Acts continue to apply to courts, should any adjustments be made in the composition of the boards of the governmental entities created or authorized by the Acts? If so, precisely what adjustments should be made?
- If the Acts continue to apply to courts, should changes be made in who has responsibility for preparing a “master plan”? If so, what changes should be made?

Because the Acts do not appear to have ever actually served their intended purposes, it may not make sense for the Commission (if authorized), the Legislature, or anyone else to invest resources in answering these types of questions. If that is the case, it might be better to repeal the Regional Justice Facilities Acts as obsolete, instead of attempting to refine them to reflect current conditions.

A third alternative would be to leave the Regional Justice Facilities Acts in place, despite their obsolete aspects. The Acts could just remain in the codes indefinitely, waiting for the time (if ever) when there is impetus to modernize them. That approach would be easy, but a bit inconsistent with the Commission’s clean-up role. Leaving the Acts in their present form may also lead to occasional wasted efforts or confusion if people run across them and try to make sense of them.²

The discussion draft requested comments on how to approach this matter.

STAKEHOLDER OUTREACH

The discussion draft was widely circulated for comment. As usual, the staff sent it to the Commission’s electronic and traditional mailing lists for its studies of trial court restructuring. The staff also prepared individualized communications soliciting comment from each affected county and superior court. We followed up with individualized reminders to those entities as the comment deadline approached, as well as a reminder to a contact at the Judicial Council and a reminder to the entire electronic and traditional mailing lists.

COMMENTS ON THE DISCUSSION DRAFT

The Commission received comments from the following courts and counties:

- Humboldt County.³
- Los Angeles County Superior Court (this comment also includes information about the position of Los Angeles County).⁴

2. Discussion Draft on *Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts* (Jan. 2020), p. 13.

3. Exhibit pp. 1-19.

- San Bernardino County.⁵
- San Bernardino County Superior Court.⁶
- Ventura County Superior Court.⁷

The Commission also received an email message from attorney Charles Martel of the Judicial Council staff.⁸

The comments take several different positions. Some of them suggest repealing one or more of the Regional Justice Facilities Acts. Others are essentially neutral about how to proceed. One comment urges the Commission to propose amendments updating the Multi-County Act to reflect current conditions.

The comments are described in more detail below.

Comments Urging Repeal of One or More of the Regional Justice Facilities Acts

Robert Sherman of Ventura County Superior Court recommends repealing the Multi-County Act. He writes:

These statutes are obsolete due to the many changes over the past 22 years to trial court funding and trial court facilities management. The act could be deleted and there would be no impact to our court. As far as I am aware, Ventura County did not utilize this statute to fund any construction when the act was applicable.

It is a good time to remove these statutes from the books as they are no longer relevant.⁹

Similarly, the presiding judge and court executive officer for San Bernardino County Superior Court suggest that the Multi-County Act “may be repealed without harm.”¹⁰ They explain that the Judicial Council “has the responsibility for trial court facilities and therefore establishment of an agency is moot.”¹¹ They further explain that “the courts do not independently have taxing or authority to issue bonds.”¹² Lastly, they point out that “the residual need for coordination is

4. Exhibit p. 22.
 5. Exhibit p. 21.
 6. Exhibit p. 23.
 7. Exhibit p. 24.
 8. Exhibit p. 20.
 9. Exhibit p. 24.
 10. Exhibit p. 23.
 11. *Id.*
 12. *Id.*

effectively obtained through memoranda of understanding between the Judicial Council, the County, and the Court.”¹³

The County of San Bernardino agrees that the Multi-County Act should be repealed.¹⁴ It points out the statutes predate the unification of the municipal and superior courts and are “primarily an authorization for counties to place transactions taxes on the ballot to obtain voter approval for funding court facilities, including jails.”¹⁵ The county considers such an authorization “outdated and redundant” because “counties are no longer responsible for financing court facilities and there are several other statutes upon which the County may rely to place transactions taxes on the ballot to finance jails and public safety facilities.”¹⁶ Thus, the county considers it preferable to “repeal the statutes rather than expend the resources to try and amend them.”¹⁷

Comments That Are Mostly Neutral

A few comments are relatively neutral about how to handle the statutes in question. In particular, Los Angeles County Superior Court (“LASC”) “does not have an opinion” on whether the Multi-County Act should remain or be repealed.¹⁸ LASC has also “confirmed with the County of Los Angeles that it does not have an opinion on whether to amend the law or leave as is.”¹⁹

LASC does, however, take a position on what should happen if the Multi-County Act remains in the code. In that case, “the Court suggests the Act be amended to apply only to detention and law enforcement facilities and delete all reference to court facilities.”²⁰

Informally, Judicial Council representatives have expressed somewhat similar sentiments about the Multi-County Act, as well as the Orange County Act and the San Joaquin County Act. Charles Martel (Supervising Attorney, Legal Services) discussed the matter with some of his colleagues.²¹ He reports:

The several Regional Justice Facilities Acts that are the subject of CLRC’s review are laws giving a number of counties the right to raise taxes to finance construction of justice facilities including related court facilities in those counties. *As such, we don’t have an*

13. *Id.*

14. See Exhibit p. 21.

15. *Id.*

16. *Id.*

17. *Id.*

18. Exhibit p. 22.

19. *Id.*

20. *Id.*

21. Exhibit p. 20.

*opinion as to whether they should be eliminated or not — that seems to be more of a county matter.*²²

Mr. Martel further says that “[a]s to whether references to court facilities should be removed from the Justice Facilities Acts, we also do not have a strong opinion either way.”²³ On the one hand, he points out that after trial court restructuring (especially enactment of the Trial Court Facilities Act), “the state, through the Judicial Council, is responsible for new court construction”²⁴ Thus, in planning future construction of court facilities, “there is no reliance *by the judicial branch*” on the references to court facilities in the Regional Justice Facilities Acts.²⁵

On the other hand, Mr. Martel cautions that there might still be circumstances in which *a county* wants to rely on such authority to fund a court facility in proximity to a detention center:

[C]ourt facilities have often been constructed in or near adult and juvenile detention facilities to reduce the cost and complexity of transporting in-custody individuals to and from court hearings. When relevant, proximity to detention facilities is a factor taken into account in assessing possible locations for construction of new court facilities by the Judicial Council. At the same time, while counties are generally no longer responsible for court facilities, there may be individual instances where a county might nevertheless want to fund construction of a court facility in or near a new detention center for use by the local court.²⁶

That appears to be why he and his colleagues are ambivalent about amending the Regional Justice Facilities Acts to remove the references to courts.

Comment Urging Amendment of the Multi-County Act

Humboldt County Superior Court recommends amending the Multi-County Act to reflect current conditions, instead of repealing it or leaving it alone.²⁷ The court “strongly feels that status quo is not the solution.”²⁸

22. *Id.* (emphasis added).

23. *Id.*

24. *Id.*

25. *Id.* (emphasis added).

26. *Id.*

27. See Exhibit pp. 1-19. The electronic original submitted by Humboldt County Superior Court is in color, which will not display properly when printed on the Commission’s equipment. It is a markup of the discussion draft, with many pages that do not include any comments.

To facilitate review of the court’s comments, Commission staff prepared excerpts that show all of those comments in black and white. The excerpts are attached to this memorandum. The

The court extensively reviewed the Commission's discussion draft and took the time to provide proposed statutory revisions,²⁹ in addition to other commentary.³⁰ Among other things, the court provided the following answers to the questions posed on page 13 of the discussion draft:

- Should the Acts be amended to apply only to detention facilities, deleting all references to court facilities? Would this preclude using these Acts for purposes of building a detention facility that includes a courtroom? If so, is that advisable?

NO

- If the Acts continue to apply to courts, should any adjustments be made in the composition of the boards of the governmental entities created or authorized by the Acts?

YES.

If so, precisely what adjustments should be made?

Recommendations are contained within the County Regional Justice Facilities Financing Act included in this document.

- If the Acts continue to apply to courts, should changes be made in who has responsibility for preparing a "master plan"?

YES.

If so, what changes should be made?

Responsibility to be determined by written agreement between the Judicial Council of California and the County Board of Supervisors in consultation with the Court.³¹

A cover letter from the Court Executive Officer (Kim Bartleson) says it "is important to note that, in remotely located co-managed facilities, *there is an ongoing need for the county to consider the needs of the court when planning, designing and building new justice related facilities* to provide appropriate court hearing room and staff spaces if appropriate."³² That appears to be the crux of the court's concern and it is reflected in the court's proposed statutory revisions.

In particular, Humboldt County Superior Court proposes to revise the legislative findings and declarations in the Multi-County Act as follows:

staff apologizes for any errors or omissions we might have made in preparing this exhibit. The electronic original is on file with the Commission and copies of it are available on request.

28. Exhibit p. 2.

29. See Exhibit pp. 3-19.

30. See Exhibit pp. 1-2.

31. Exhibit p. 2.

32. Exhibit p. 1 (emphasis added).

26299.001. The Legislature hereby finds and declares that the existing state of overcrowding in jail facilities in counties is so great as to significantly impede the administration of justice and create a situation wherein persons who are a danger to society may be required to be released into that society for lack of adequate facilities to house them.

The Legislature further finds and declares that it is in the public interest to create county regional justice facilities ~~financing agencies~~ so that councils to provide information and make recommendations regarding regional adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and prevention program needs may be addressed in an expeditious and appropriate fashion [t]o the County and the Judicial Council Facilities division.

The Legislature further finds and declares that it is in the public interest to allow the voters in each county the opportunity to approve a general tax for the general governmental purposes of county regional justice facilities ~~financing agencies~~ Council and support the Council's recommendations relating to facilities owned by the County.³³

If the staff correctly understands the court's suggestion, the legislative findings would no longer call for creation of "county regional justice facilities *financing agencies*."³⁴ Instead, the findings would call for creation of "county regional justice facilities *councils*,"³⁵ and the role of such a council would be to "provide information and make recommendations" regarding regional adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and prevention program needs *to the county it serves and to the facilities division of the Judicial Council*. The findings would further state that the voters in a county should be allowed to decide whether to approve a tax to fund the "general governmental purposes" of a county's Regional Justice Facilities Council and support its recommendations relating to county-owned facilities.

The remainder of the court's suggested revisions seek to implement those legislative findings³⁶ and correct some technical errors in existing law³⁷

33. Exhibit p. 3.

34. Emphasis added.

35. Emphasis added.

36. See Exhibit pp. 3-19, especially the proposed amendments described in the text of this memorandum and the proposed amendments of Sections 26299.003 (replacing definition of "agency" with definition of "council"), 26299.009 (revising definition of "master plan" to

(including deletion of an obsolete reference to municipal courts).³⁸ Of particular note, the court suggests revising Section 26299.021 to include the presiding judge of the local superior court (or designee) on the board of directors of a county's Regional Justice Facilities Council.³⁹ The court also proposes to delete certain powers currently given to an entity created pursuant to the Multi-County Act, explaining that as "a recommending body, no additional duties need to be defined."⁴⁰ In addition, the court indicates that other powers currently given to an entity created pursuant to the Multi-County Act "should be either jointly provided by or separately provided by the County & Judicial Council Facilities Division."⁴¹

COURTS AND COUNTIES THAT DID NOT RESPOND

Unfortunately, the Commission did not receive comments from either of the two entities most-affected by the San Joaquin County Act (San Joaquin County and San Joaquin County Superior Court). Similarly, the Commission did not

include criminal justice facilities "recommended to the Judicial Council of California," not just facilities "constructed, furnished, or acquired"), 26299.010 (revising definition of "outstanding" to refer to bonds issued by the "County" instead of by the "agency"), 26299.013 (revising definition of "qualifying facilities" to delete "court facilities"), 26299.026 (deleting "ordinance" from list of ways entity can express its actions), 26299.032 (replacing "agency" with "County on behalf of a city or other county"), and 26299.044 (replacing "special election" with "election"), 26299.046 (deleting "court facilities" from list of permissible uses of tax collected pursuant to Multi-County Act).

37. See Exhibit pp. 5 (correcting spelling error in Section 26299.011), 10 (proposing to delete surplusage & make other stylistic improvements in Section 26299.041).

38. See Exhibit p. 4 (proposed amendment of Section 26299.008). The intent of this proposed amendment is clear with regard to a five-member board, but somewhat confusing with regard to a seven-member board. In that context, the court proposes to add the presiding judge to the board, but does not propose to adjust the size of the board or delete any of the existing members (one of whom is a "member appointed by, and serving at the pleasure of, the presiding judge of the superior court, who shall have significant experience in detention, corrections, law enforcement, probation, or the judiciary.").

39. See Exhibit p. 6 (proposed amendment of Section 26299.021). The text of this proposed amendment refers to a "regional justice facilities financing *agency*" (not a "regional justice facilities financing *council*"), but "Council" would be defined as a "county regional justice facilities financing *agency*." See Exhibit p. 3 (proposed amendment of Section 26299.003). The staff presumes that the proposed definition of "Council" is intended as a shorthand means of replacing every reference to a "county regional justice facilities financing *agency*" in the Multi-County Act with a reference to a "county regional justice facilities *council*."

40. See Exhibit p. 8 (proposed amendment of Section 26299.030). The text of this proposed amendment refers to the "agency," not the "council." For discussion of this point, see *supra* note 39.

41. See Exhibit pp. 8-9 (proposed amendment of Section 26299.031). The text of this proposed amendment refers to the "agency," not the "council." For discussion of this point, see *supra* note 39.

receive comments from either of the two entities most-affected by the Orange County Act (Orange County and Orange County Superior Court).

With regard to the Multi-County Act, the Commission did not receive comments or any other input from the following entities:

- Humboldt County.
- Riverside County and Riverside County Superior Court.
- Stanislaus County and Stanislaus County Superior Court.
- Ventura County.⁴²

It is difficult to know whether the lack of comments from these entities is due to indifference about the issues raised in the discussion draft, lack of resources to examine the discussion draft, a communication failure despite staff's repeated requests for comments, or some other reason.

STAFF ANALYSIS

The Commission needs to decide how to proceed in light of the input on the discussion draft. In deciding what to do, the Commission should bear in mind that its usual study process would involve preparation and distribution of a tentative recommendation for comment, before drafting a final recommendation.

Of the commenters, only Humboldt County Superior Court expresses real interest in modernizing the legislation in question. For purposes of analysis, it might be helpful to first consider the situation in the other counties affected by the Regional Justice Facilities Acts, and then turn to the Humboldt County situation.

Los Angeles, Orange, Riverside, San Bernardino, San Joaquin, Stanislaus, and Ventura Counties

In every affected county except Humboldt, it seems likely that the Regional Justice Facilities Acts could be repealed (or at least made inapplicable to the county) without causing concern. As discussed above,

- San Bernardino County, San Bernardino County Superior Court, and Ventura County all express support for such an approach;
- Los Angeles County Superior Court and the Judicial Council are indifferent; and

42. Los Angeles County did not submit a comment directly, but did provide some input via Los Angeles County Superior Court. See text accompanying note 19 *supra*.

- Of the other affected courts and counties, only Humboldt County Superior Court bothered to share its views on repealing the Regional Justice Facilities Acts.⁴³

This approach might be the simplest way to remove the material in those Acts that became obsolete due to trial court restructuring. It would be a broad brush, rather than a surgical approach, but there does not seem to be any interest in, or need for, a more refined and time-consuming analysis.

The Commission could seek to confirm as much by circulating a tentative recommendation proposing such an approach. In the preliminary part, the Commission could explain that the Acts should be repealed (or rendered inapplicable to the counties in question) because they contain material made obsolete by trial court restructuring, they may also be obsolete in other respects, they have never been used for their intended purposes, and there does not appear to be any interest in updating them to reflect current conditions.

If someone has an objection to this type of approach, the tentative recommendation might provoke that person to speak up and explain why. The Commission could then consider whether to revise its proposal in any respect. If no one objects, the Commission could finalize a recommendation on the matter with relative confidence that there are no stakeholder concerns.

With regard to Los Angeles, Orange, Riverside, San Bernardino, San Joaquin, Stanislaus, and Ventura Counties, would the Commission like to follow this type of approach? If not, what would the Commission prefer to do instead?

Humboldt County

Before discussing possible responses to the comments from Humboldt County Superior Court, it might be worthwhile to review the scope of the Commission's authority in this study.

Scope of Authority

In Section 71674, the Legislature specified the Commission's ongoing role with regard to trial court restructuring. The section simply directs the Commission to:

43. Los Angeles County provided input via Los Angeles County Superior Court, but it did not convey its position on repeal (only on whether to amend the Multi-County Act or leave it alone). See Exhibit p. 22.

*determine whether any provisions of law are obsolete as a result of the enactment of [the Trial Court Employment Protection and Governance Act], the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997 (Chapter 850 of the Statutes of 1997), or the implementation of trial court unification, and ... recommend to the Legislature any amendments to remove those obsolete provisions. The commission shall report its recommendations to the Legislature, including any proposed statutory changes.*⁴⁴

The legislative resolution containing the Commission's calendar of topics arguably grants slightly broader authority, but only with regard to trial court unification. It authorizes the Commission to make recommendations "pertaining to statutory changes that may be necessitated by court unification."⁴⁵

As explained at page 4 of the discussion draft, the Commission has historically taken a narrow view of its role with regard to trial court restructuring, waiting for stakeholders to resolve disputes before stepping in to propose removal of obsolete statutory material. In a few circumstances, however, the Commission has reached somewhat further.

For example, in its study on *Trial Court Restructuring: Appellate Jurisdiction of Bail Forfeiture*, the Commission initially sought to adhere to its guiding principle of making pre-unification procedures workable in a unified court system, instead of revisiting and proposing revisions to any of the legislative policy judgments underlying pre-unification procedures.⁴⁶ When that approach proved unacceptable to stakeholders (particularly the bail industry) and was defeated in the Legislature, however, the Commission developed an alternative approach that was ultimately enacted.⁴⁷ The Legislature appeared receptive to having the Commission's guidance on how to solve the jurisdictional problem, even if it required some development of new policy, not just strict removal of obsolete material.

The Legislature might, or might not, similarly welcome some assistance from the Commission in determining how to address the concerns raised by Humboldt County Superior Court here. On the one hand, the issues involve some complexity and understanding of the roles of courts, counties, and the

44. Emphasis added.

45. 2018 Cal. Stat. ch. 158 (item #12).

46. See *Trial Court Restructuring: Appellate Jurisdiction of Bail Forfeiture*, 37 Cal. L. Revision Comm'n Reports 149 (2007).

47. See *Trial Court Restructuring: Appellate Jurisdiction of Bail Forfeiture*, 41 Cal. L. Revision Comm'n Reports 265 (2011).

Judicial Council with regard to criminal justice facilities (including courts). The Commission is well-suited to consider such matters, because it has legal expertise and the capacity to explore issues in depth.

On the other hand, the Legislature might prefer to deal with these matters on its own (especially any balancing of competing policies) and have the Commission focus on other things. If Section 71674 and the calendar of topics are interpreted narrowly, the Commission may even lack authority to pursue the concept proposed by Humboldt County Superior Court.

The Commission should bear these points in mind as it considers the options for Humboldt County. The staff sees three main options for how to treat that county in this study:

- (1) Propose to effectuate the general concept suggested by Humboldt County Superior Court.
- (2) Repeal existing law and take no affirmative steps to address the concerns raised by Humboldt County Superior Court.
- (3) Repeal existing law and draw the Legislature's attention to the concerns raised by Humboldt County Superior Court.

Each of those options is discussed in order below.

Option #1: Propose to Effectuate the Concept Suggested by Humboldt County Superior Court

One approach (Option #1) to the Humboldt County situation would be to propose to effectuate the concept suggested by Humboldt County Superior Court. That could be done in either of the following ways:

- Revise the Multi-County Act to apply to Humboldt County in the general manner suggested by Humboldt County Superior Court; or
- Repeal the Multi-County Act and replace it in Humboldt County with legislation specifically tailored to meet the concerns expressed by Humboldt County Superior Court (i.e., write on a clean slate, instead of revamping the Multi-County Act).

Drafting a tentative recommendation to implement Option #1 would provide an opportunity to flesh out the concept suggested by Humboldt County Superior Court and see what others think of it (especially Humboldt County and the Judicial Council). After examining the court's proposed revisions of the Multi-County Act, the staff has questions such as:

- What is the court's intent regarding board composition if a Regional Justice Facilities Council consists of seven members? The court's proposed amendment of Section 26299.021 is confusing, because it would add the presiding judge of the local superior court to such a board, but would not adjust the size of the board or delete any of the existing members (one of whom is a "member appointed by, and serving at the pleasure of, the presiding judge of the superior court, who shall have significant experience in detention, corrections, law enforcement, probation, or the judiciary."⁴⁸).
- If the Act was amended to apply only in Humboldt County, would it still be necessary to specify the composition of both a five-member board and a seven-member board in Section 26299.021?
- If the Act was amended to authorize creation of a Regional Justice Facilities Council, Section 26299.029(d) would empower such a council to hire an executive officer and other necessary staff. Humboldt County Superior Court says: "It is plausible that existing staffing in the Count [sic] could absorb these responsibilities, thereby negating hiring of additional staff."⁴⁹ Did the court mean to refer to existing staffing *in the county*, or to existing staffing *in the court*? We suspect the former, but are not certain. Either way, further exploration of this matter may be warranted.
- Section 26299.031 grants various powers, such as the power to "[f]inance the construction, acquisition, and furnishing of adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto," and the power to "[h]old title as necessary or convenient to land or facilities constructed or acquired pursuant to this chapter, and convey title to such land or facilities to the county." Humboldt County Superior Court would expand this to include the power to convey title to the Judicial Council.⁵⁰ The court also says: "These powers should be either jointly provided by or separately provided by the County & Judicial Council Facilities Division."⁵¹ To implement the court's proposed approach, specifically how should the powers enumerated in Section 26299.031 be allocated?

These are just examples; other details might also require clarification. *Most importantly, however, it would be crucial to:*

48. See Exhibit p. 6.

49. Exhibit p. 8.

50. Exhibit p. 9.

51. Exhibit p. 8.

- (1) Find out more about the circumstances that prompted Humboldt County Superior Court to propose the creation of regional justice securities councils;
- (2) Creatively assess whether its underlying concern could perhaps be addressed in some manner under existing law (e.g., a memorandum of understanding between the superior court, the county, and the Judicial Council); and, if not,
- (3) Carefully examine which specific aspects of the Multi-County Act or other specific steps would be necessary to address the concern.

The staff could initiate this conversation by contacting Kim Bartleson (Court Executive Officer, Humboldt County Superior Court), who graciously offered to answer any questions about the court's comments.⁵²

Option #2: Repeal Existing Law and Take No Affirmative Steps to Address the Concerns Raised by Humboldt County Superior Court.

Option #1 might lead the Commission into policy disputes of one kind or another, with little connection to trial court restructuring. A simpler approach (Option #2) would be to propose to repeal the existing law that applies to Humboldt County (the Multi-County Act), without doing anything to facilitate resolution of the concerns raised by Humboldt County Superior Court. Under this approach, the court would have to take the initiative to pursue the matter on its own, if at all.

Such an approach would be more clearly within the Commission's authority than Option #1. The staff finds this idea troubling, however, because the court engaged in "extensive review" of the discussion draft, put significant effort into providing its comments, and identified what it considers an "ongoing need" that warrants attention.⁵³

To effectively serve the public, the Commission should listen hard and do what it can to help with the perceived problem, if only to point the court in a potentially useful direction. As explained below, there is a possible middle ground.

Option #3: Repeal Existing Law and Draw the Legislature's Attention to the Concerns Raised by Humboldt County Superior Court

If the Commission is concerned about overstepping its authority, another approach (Option #3) would be to prepare a tentative recommendation that

52. Exhibit p. 1.

53. Exhibit p. 1.

proposes to repeal existing law and explains the concerns raised by Humboldt County Superior Court, but leaves it to the Legislature to assess whether and how to address those concerns. Put differently, the Commission would not attempt to develop a solution to the concerns raised by Humboldt County Superior Court; it would just describe those concerns to the Legislature in a manner that would facilitate legislative development of such a solution if necessary.

A key step in effectively implementing such an approach would be to gain a good understanding of the Humboldt County situation, preferably from all perspectives. A Commission report presenting a clear and fair picture of the situation, with some degree of detail, might be quite useful to the Legislature, without intruding on its policy-making role.

Based on the information currently at hand, the staff leans towards this approach. If the Commission decides to pursue it, the staff would be sure to consult Ms. Bartleson and others to learn more about the Humboldt County situation before preparing a draft of a tentative recommendation for the Commission to consider. Among other things, we would explore whether legislation is really needed to address the court's concerns, or perhaps there might be another potentially useful direction.

Decision to Make

The Commission needs to decide which, if any, of the above Humboldt County options to pursue in this study. There might also be other possibilities that have not occurred to the staff.

Further comments on any of the issues discussed in this memorandum are welcome and encouraged. They should be directed to bgaal@clrc.ca.gov. If time permits, the staff will incorporate any additional comments into a supplemental memorandum and distribute it to the Commissioners and interested persons before the upcoming meeting.

How would the Commission like to proceed?

Respectfully submitted,

Barbara Gaal
Chief Deputy Counsel



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT**

Kim M. Bartleson, CCE
Court Executive Officer/
Jury Commissioner

Joyce D. Hinrichs
Presiding Judge

February 27, 2020

Barbara Gaal
Chief Deputy Counsel
California Law Revision
400 Middlefield Road, Room D-2
Palo Alto, CA 94303-4739

Re: Trial Court Restructuring Clean-up: Regional Justice Facilities Act

Dear Ms. Gaal:

After extensive review of the proposed clean-up with Presiding Judge Hinrichs and staff, Humboldt Superior Court suggested modifications are in the included red-line version of the document.

It is important to note that, in remotely located co-managed facilities, there is an ongoing need for the county to consider the needs of the court when planning, designing and building new justice related facilities to provide appropriate court hearing room and staff spaces if appropriate.

Thank you for your consideration of our comments.

If you have any questions, please feel free to contact me.

Sincerely,

Kim M. Bartleson, CCE
CEO/Jury Commissioner/Clerk of Court

cc: Hon. Joyce Hinrichs, Presiding Judge

Enclosure

Note. Shown below in boldface, underscored type are Humboldt County Superior Court's responses to the questions in the three bulletpoints on page 13 of the Discussion Draft on *Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts* (Jan. 2020).

- Should the Acts be amended to apply only to detention facilities, deleting all references to court facilities? Would this preclude using these Acts for purposes of building a detention facility that includes a courtroom? If so, is that advisable?

NO

- If the Acts continue to apply to courts, should any adjustments be made in the composition of the boards of the governmental entities created or authorized by the Acts?

YES.

If so, precisely what adjustments should be made?

Recommendations are contained within the County Regional Justice Facilities Financing Act included in this document.

- If the Acts continue to apply to courts, should changes be made in who has responsibility for preparing a “master plan”?

YES.

If so, what changes should be made?

Responsibility to be determined by written agreement between the Judicial Council of California and the County Board of Supervisors in consultation with the Court.

Note. Among other things, page 13 of the Discussion Draft raises the possibility of leaving the Regional Justice Facilities Acts alone. That part of the Discussion Draft is reproduced below, followed by comments from Humboldt County Superior Court (in boldface, underscored type) urging the Commission not to follow such an approach.

A third alternative would be to leave the Regional Justice Facilities Acts in place, despite their obsolete aspects. The Acts could just remain in the codes indefinitely, waiting for the time (if ever) when there is impetus to modernize them. That approach would be easy, but a bit inconsistent with the Commission's clean-up role. Leaving the Acts in their present form may also lead to occasional wasted efforts or confusion if people run across them and try to make sense of them.

The Court strongly feels that status quo is not the solution. Do not leave as is.

Note. Shown below in ~~strikeout~~ and underscore are Humboldt County Superior Court's suggested revisions of the County Regional Justice Facilities Financing Act. This exhibit was prepared by the staff of the Law Revision Commission. The electronic original submitted by Humboldt County Superior Court is in color, which will not display properly when printed on the Commission's equipment. The original is on file with the Commission and copies of it are available on request. The staff apologizes for any errors or omissions we might have made in preparing this exhibit.

COUNTY REGIONAL JUSTICE FACILITIES FINANCING ACT (GOV'T
CODE §§ 26299.000-26299.083)

Article 1. General Provisions

§ 26299.000. Title of act

26299.000. This chapter shall be known and may be cited as the County Regional Justice Facilities Financing Act.

§ 26299.001. Legislative findings and declarations

26299.001. The Legislature hereby finds and declares that the existing state of overcrowding in jail facilities in counties is so great as to significantly impede the administration of justice and create a situation wherein persons who are a danger to society may be required to be released into that society for lack of adequate facilities to house them.

The Legislature further finds and declares that it is in the public interest to create county regional justice facilities ~~financing agencies so that~~ councils to provide information and make recommendations regarding regional adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and prevention program needs ~~may be addressed in an expeditious and appropriate fashion~~ To the County and the Judicial Council Facilities division.

The Legislature further finds and declares that it is in the public interest to allow the voters in each county the opportunity to approve a general tax for the general governmental purposes of county regional justice facilities ~~financing agencies~~ Council and support the Council's recommendations relating to facilities owned by the County.

§ 26299.002. Definitions generally govern construction of chapter

26299.002. Unless the provision or context otherwise requires, the definitions contained in this article govern the construction of this chapter. The definition of a word applies to any of that word's variants.

§ 26299.003. "~~Agency~~Council"

26299.003. "~~Agency~~Council" means a county regional justice facilities financing agency.

§ 26299.004. “Board of directors”

26299.004. “Board of directors” means the board of directors of a county regional justice facilities financing agency established pursuant to this chapter.

§ 26299.005. “Board of supervisors”

26299.005. “Board of supervisors” means the board of supervisors of a county.

§ 26299.006. “Bonds”

26299.006. “Bonds” means indebtedness and securities of any kind or class, including bonds, notes, bond anticipation notes, and commercial paper.

§ 26299.007. “County”

26299.007. “County” means Humboldt, Los Angeles, Riverside, San Bernardino, Stanislaus, and Ventura Counties.

§ 26299.008. “Court facilities”

26299.008. “Court facilities” means the ~~municipal~~ and superior courts of the county, as well as any other facilities used for adult or juvenile court matters, criminal prosecutions, handling inmates, or a combination thereof.

§ 26299.009. “Master plan”

26299.009. “Master plan” means the plan for construction and acquisition of juvenile and adult detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto. The plan shall be developed and approved, and may be amended from time to time, by the board of supervisors. The master plan may include, but is not limited to, the following:

(a) The number of adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto to be constructed, furnished, ~~or~~ acquired or recommended to the Judicial Council of California.

(b) The geographic areas in which the facilities referenced in subdivision (a) shall be sited.

(c) The time schedule according to which the facilities referenced in subdivision (a) shall be constructed, furnished, or acquired.

(d) Construction and design standards which shall apply to facilities constructed, furnished, or acquired pursuant to this chapter.

(e) Those other requirements as the board of supervisors, in carrying out its responsibility for the provision of regional detention services, deems necessary and appropriate.

§ 26299.010. “Outstanding”

26299.010. “Outstanding,” when used as of any particular time with reference to bonds issued by the ~~agency~~County, means all bonds theretofore and thereupon being authenticated and delivered by an authenticating agent duly appointed by the ~~agency~~County or its authorized designee except:

(a) Bonds theretofore canceled by an authenticating agent or surrendered to such authenticating agent for cancellation.

(b) Bonds that are owned or held by or for the account of the agency County or any other obligor on the bonds, or any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, the agency County or any other obligor on the bonds.

(c) Bonds for the transfer or exchange of or in lieu of or in substitution for which other bonds shall have been authenticated and delivered.

(d) Refunding bonds issued pursuant to Section 26299.073, except to the extent that the principal amount of the refunding bonds exceeds the principal amount of the bonds to be refunded with the proceeds of those refunding bonds.

§ 26299.011. “Prevention program”

26299.011. “Prevention program” means a program designed to decrease the number of inmates incarcerated in county juvenile and adult detention facilities by providing alternatives to incarceration, or by providing counseling diversion, or intervention [sic] programs, work furlough programs, halfway houses, and own recognizance services. Counseling, diversion, or intervention programs, include, but are not limited to, drug and alcohol counseling, probation counseling, pretrial screening, and community programs intended to reduce or prevent juvenile criminal activity.

§ 26299.013. “Qualifying facilities”

26299.013. “Qualifying facilities” means any of the adult and juvenile detention facilities, countywide law enforcement facilities, ~~court facilities~~, and other structures necessary or convenient thereto, which may be constructed, furnished, or acquired pursuant to this chapter.

§ 26299.014. Construction to effectuate purposes of chapter

26299.014. This chapter shall be liberally construed in order to effectuate its purposes. No inadvertent error, irregularity, informality, or the inadvertent neglect or omission of any officer, in any procedure taken under this division, other than fraud, shall void or invalidate that proceeding or any levy imposed to finance regional justice facilities needs or improvements.

Article 2. Creation of the Agency, Powers and Duties, Membership

§ 26299.020. Establishment of county regional justice facilities financing agency

26299.020. (a) A county regional justice facilities financing agency may be established in any county, as defined in Section 26299.007, with membership and terms determined as provided in Section 26299.021, upon a finding of the board of supervisors that it is in the public interest to do so. Any such finding shall be adopted by resolution of the board of supervisors.

(b) A resolution adopted pursuant to subdivision (a), shall specify the number, membership, and terms of office of members of the board of directors of the agency as determined pursuant to Section 26299.021.

§ 26299.021. Board of directors

26299.021. The number, membership, and terms of office of the board of directors of a county regional justice facilities financing agency established pursuant to Section 26299.020, shall be determined by one of the following means:

(a) (1) The board of supervisors may establish the number, membership, and terms of office of the board of directors of the agency with the concurrence of the city councils representing both a majority of the cities in the county and a majority of the population in the incorporated area of the county.

(2) Notwithstanding the provisions of paragraph (1), the term of office of members of the board of directors shall be staggered, and shall not exceed four years.

(b) The board of supervisors may establish a board of directors of the agency comprised of five members, as follows:

(1) The county sheriff.

(2) The Presiding Judge or designee of the Superior Court; and

(3) Four ~~Three~~ other members, appointed by, and serving at the pleasure of, the board of supervisors, who shall have significant experience in detention, corrections, law enforcement, or probation, or the judiciary. Not more than two of these four members may be members of the board of supervisors or other elected or appointed officers of the county.

(c) The board of supervisors may establish a board of directors of the agency comprised of seven members, as follows:

(1) The sheriff.

(2) The district attorney.

(3) The Presiding Judge or designee of the Superior Court

(3) Two members appointed by, and serving at the pleasure of, the city selection committee created pursuant to Article 1.1 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5, each of whom shall be either a member of the city council or the mayor of a city in the county. These two members may not represent the same city.

(4) Two members of the board of supervisors.

(5) One member appointed by, and serving at the pleasure of, the presiding judge of the superior court, who shall have significant experience in detention, corrections, law enforcement, probation, or the judiciary.

§ 26299.022. Term of member serving on board by virtue of office

26299.022. The term of any member serving on the board of directors by virtue of holding another public office shall terminate when that member ceases holding the other public office and a new member has been properly seated. The new member of the agency shall hold office for the remainder of the term of the member who was replaced by the new member.

§ 26299.023. Filling vacancy on board

26299.023. Vacancies occurring on the board of directors shall be filled by the appointing authority for the unexpired term.

§ 26299.024. Chairperson and vice chairperson

26299.024. The board of supervisors shall call the first meeting of the board of directors and shall designate one of the members of the board of directors to serve as the chairperson at that meeting. Thereafter, a chairperson and vice chairperson of the board of directors shall be elected annually by vote of a majority of the members of the board of directors of the agency and shall serve for a period of one calendar year. The chairperson shall preside at all meetings, and the vice chairperson shall preside in the absence of the chairperson.

In the event of the absence or inability to act of both the chairperson and vice chairperson, the members present, by an order entered in the minutes, shall select one of their members to act as chairperson pro tempore who, while so acting, shall have all of the authority of the chairperson.

§ 26299.025. Quorum

26299.025. A majority of the members of the agency shall constitute a quorum for the transaction of business, and all official acts of the agency shall require the affirmative vote of a majority of its members constituting a quorum, unless a two-thirds vote is required by this chapter.

§ 26299.026. Acts of agency

26299.026. The acts of the agency shall be expressed by motion or, resolution, ~~or ordinance~~.

§ 26299.027. Rules and procedures

26299.027. The board of directors shall adopt those rules and procedures, consistent with the laws of the state, as it deems necessary to conduct its business.

§ 26299.028. Compliance with Ralph M. Brown Act

26299.028. All meetings of the agency shall be conducted in the manner prescribed by the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5.

§ 26299.029. Authorized acts

26299.029. In carrying out its purposes and powers, the agency may:

- (a) Adopt a seal and alter it at its pleasure.
- (b) Sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

All claims for money or damages against the agency are governed by Division 3.6 (commencing with Section 810) of Title 1, except as provided therein or by other statutes or regulations expressly applicable thereto.

(c) Subject to the limitations provided for in Section 26299.035, compensate the members of its board of directors for all reasonable and necessary expenses incurred in the course of performing their duties.

(d) Appoint and employ an executive officer and clerical staff as may be necessary for the administration of the affairs of the agency. All other reasonably necessary staff may be hired by the agency or may be provided by the county. The county shall be reimbursed by the agency for the costs of any staff services provided to the agency by the county in accordance with an agreement entered into between the agency and the county. *[Comment from Humboldt County Superior Court: "It is plausible that existing staffing in the Count [sic] could absorb these responsibilities, thereby negating hiring of additional staff."]*

(e) Enter into contracts. The agency may employ attorneys and consultants as necessary or convenient to carrying out its purpose and powers.

(f) Appoint policy committees as deemed necessary.

(Added by Stats. 1989, Ch. 1335, Sec. 1.5.)

§ 26299.030. Duties of agency

26299.030. The agency shall do all of the following:

~~(a) Adopt an annual budget.~~

~~(b) Adopt an administrative code, by ordinance, which prescribes the powers and duties of agency officers, the method of appointment of agency employees, and methods, procedures, and systems of operation and management of the agency.~~

~~(c) Cause a postaudit of the financial transactions of the agency to be made at least annually by a certified public accountant.~~

~~(d) Do any and all things necessary to carry out the purposes of this chapter.~~

As a recommending body, no additional duties need to be defined.

§ 26299.031. Powers of agency

[Comment from Humboldt County Superior Court: "These powers should be either jointly provided by or separately provided by the County & Judicial Council Facilities Division."]

26299.031. In carrying out the purposes of this chapter the agency shall have the power to do all of the following:

(a) Administer this chapter.

(b) Finance the construction, acquisition, and furnishing of adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto, in compliance with a master plan developed and approved, as amended from time to time, by the board of supervisors for that purpose.

(c) Finance the acquisition of necessary lands, easements, and rights-of-way, including reimbursement to the county for any costs incurred by the county in acquiring such lands, easements, and rights-of-way, at sites designated or approved by the board of supervisors, for the general governmental purposes of the agency set forth in this section.

(d) Hold title as necessary or convenient to land or facilities constructed or acquired pursuant to this chapter, and convey title to such land or facilities to the county or Judicial Council of California.

(e) Finance the operation and maintenance of any qualifying facilities constructed, acquired, or financed, in whole or in part, pursuant to this chapter or any adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto which may become operational after the effective date of any transactions and use tax approved pursuant to this chapter.

(f) Reimburse costs incurred by the county in the operation of any qualifying facilities constructed or acquired pursuant to this chapter, provided the board of supervisors certifies to the agency that progress toward completion of qualifying facilities has advanced substantially in accordance with the master plan, and reimburse costs incurred by the county in implementing the master plan.

(g) Retire all or a portion of any capital debt previously incurred for any adult or juvenile detention facilities, countywide law enforcement facilities, court facilities, or other structures necessary or convenient thereto which exist on the date the election is held for voter approval of the retail transactions and use tax ordinance authorized by this chapter.

(h) Finance all or part of the cost of any prevention program, as defined in Section 26299.011.

§ 26299.032. Construction, acquisition, and furnishing of other county or city criminal justice and law enforcement facilities

26299.032. In carrying out the purposes of this chapter the ~~agency~~ County on behalf of a city or other county may finance the construction, acquisition, and furnishing of other county or city ~~criminal justice~~ and law enforcement facilities, provided the board of supervisors certifies to the agency that all current master plan requirements have been met.

§ 26299.033. No power to determine geographic locations

26299.033. Notwithstanding any other provision of this chapter to the contrary, the board of directors of an agency shall have no power to determine the geographic locations at which any of the qualifying facilities specified in this chapter shall be sited.

§ 26299.034. Procedure for adoption of annual budget

26299.034. Notice of the time and place for the public hearing for the adoption of the annual budget shall be published one time in a newspaper of general circulation not later than the 15th day prior to the date of the hearing. The proposed annual budget shall be available for public inspection at least 15 days prior to the hearing.

§ 26299.035. Compensation of members and reimbursement of their expenses

26299.035. Members of the board of directors of the agency may be compensated at a rate not exceeding one hundred dollars (\$100) for any day attending to the business of the agency, but not to exceed four hundred dollars (\$400) in any month, and may be reimbursed

for reasonable and necessary travel and other expenses incurred in the performance of their duties, as authorized by the agency.

§ 26299.036. Retirement benefits

26299.036. (a) Except as otherwise provided in subdivisions (b) and (c), the agency shall enter into a contract with the Board of Administration of the Public Employees' Retirement System, and the board shall enter into that contract, to include all of the employees of the agency in that retirement system, and the employees shall be entitled to substantially similar health benefits as are state employees pursuant to Part 5 (commencing with Section 22750) of Division 5 of Title 2.

(b) For purposes of providing retirement benefits, the agency may contract with the retirement system of which the employees of the county are members, in lieu of contracting with the board.

(c) Notwithstanding subdivision (a) or (b), to the extent that the agency contracts with the county or other agencies to utilize employees of the county or other agencies as employees of the agency, the agency need not establish any retirement benefits program for those employees.

§ 26299.037. Transactions and use tax ordinance and ballot proposition

26299.037. At the initial meeting of the agency, or at any subsequent meeting, the agency may approve a transactions and use tax ordinance and ballot proposition, and may call an election in accordance with Article 3 (commencing with Section 26299.040).

Article 3. Transactions and Use Tax

§ 26299.040. Supplementation of existing local revenues

26299.040. The Legislature, by the enactment of this chapter, intends that the additional funds provided governmental agencies by this chapter shall supplement existing local revenues being used for the development and operation of regional justice facilities, and that local agencies maintain their existing commitment of local funds for regional justice facilities purposes.

§ 26299.041. Retail transactions and use tax ordinance

26299.041. (a) A retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of a county may be imposed by the agency in accordance with this chapter and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, if the tax ordinance is adopted by a two-thirds vote of the agency and ~~imposition of the tax ordinance~~ is subsequently approved by two-thirds of the electors voting on the measure at a special election called for that purpose by the board of supervisors, at the request of the agency, and a county regional justice facilities master plan is adopted pursuant to Section 26299.009.

~~(b) In addition to the authorization of subdivision (a), a retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of a county may be~~

~~imposed by the agency in accordance with the requirements of subdivision (a), except that, at the option of the agency, the ordinance may be required to be approved by two-thirds of the electors voting on the measure.~~

(~~b~~e) A retail transactions and use tax approved by the electors pursuant to this chapter shall remain in effect for not longer than 30 years, or any lesser period of time specified in the tax ordinance. The tax may be continued in effect, or reimposed, by a tax ordinance adopted by a two-thirds vote of the agency and ~~the reimposition of the tax is approved by either a majority or two-thirds of the electors, whichever was required for the initial approval.~~

(~~c~~d) The special elections required by subdivisions (a), (~~b~~), and (~~b~~e) for the initial imposition and reimposition, respectively, of a retail transactions and use tax may be consolidated, if the agency so determines, with a regular election.

§ 26299.042. Effective date and collection of transactions and use tax

26299.041. A tax ordinance adopted pursuant to Section 26299.041 shall take effect at the close of the polls on the day of the election at which the proposition is adopted. The initial collection of the transactions and use tax shall take place in accordance with Section 26299.049.

§ 26299.043. Content of ordinance and proposition

27300.043. The agency, in the ordinance adopted pursuant to Section 26299.041, shall state the nature of the tax to be imposed, the tax rate, the period during which the tax will be imposed, which of the financing activities enumerated in Section 26299.031 the agency proposes to exercise, and the specific activities and purposes, if any, for which the agency proposes to allocate any fixed portion of the tax proceeds. The purposes for which the tax may be imposed are the general governmental purposes of the agency as set forth in Section 26299.031.

The proposition shall include an appropriations limit for the agency pursuant to Section 4 of Article XIII B of the California Constitution.

§ 26299.044. Election

26299.044. (a) The county shall conduct a ~~special~~ election called by the agency for the purpose of approving a transactions and use tax ordinance adopted by the agency. The election shall be held within the incorporated and unincorporated areas of the county.

(b) The election shall be called and conducted in the same manner as provided by law for the conduct of ~~special~~ elections by a county.

(c) If the measure is approved by the voters, the cost incurred by the county in conducting the special election shall be reimbursed by the agency from proceeds of the retail transactions and use tax.

§ 26299.045. Permissible tax rate

26299.045. The agency by two-thirds vote of its board of directors, subject to the approval of the voters, may impose a tax rate of one-half of 1 percent under this chapter

and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code. Neither this chapter nor the ordinance shall affect any tax otherwise authorized.

§ 26299.046. Allocation of tax revenues

26299.046. The revenues from the tax imposed pursuant to this chapter may be allocated by the agency for the following purposes:

- (a) To administer this chapter.
- (b) To pay the costs of the financing, construction, acquisition, furnishing, maintenance, and operation of adult and juvenile detention facilities, countywide law enforcement facilities, ~~court facilities~~, and other structures necessary or convenient thereto, in compliance with the adopted master plan.
- (c) To finance all or any portion of the cost of any prevention program, as defined in Section 26299.011.
- (d) To pay the costs of the financing and acquisition of necessary lands, easements, and rights-of-way at sites designated or approved by the agency, including any costs incurred by the agency in acquiring lands, easements, and rights-of-way.
- (e) To hold title as necessary to land or facilities.
- (f) To retire all or a portion of any capital debt previously incurred for any adult or juvenile detention facilities, countywide law enforcement facilities, court facilities, and other structures necessary or convenient thereto which exists on the date the election is held for voter approval of the retail transactions and use tax.
- (g) To pay all debt service and any other related costs and expenses of any bonds issued pursuant to this chapter.

§ 26299.047. Priorities in annual budget

26299.047. When adopting its annual budget pursuant to Section 26299.030, the agency shall provide that the lawfully available moneys of the agency shall be used first for the payment of debt service on all outstanding limited tax bonds of the agency unless otherwise provided in the resolution providing for the issuance of such bonds, and, unless otherwise provided in an allocation or funding agreement, for the payment of all allocations required to be made pursuant to allocation or funding agreements between the agency and the county or any city in the county prior to the payment of operating costs and expenses and any other lawful costs and expenses of the agency.

§ 26299.048. Annual report on implementation of master plan

26299.048. If a retail transactions and use tax is adopted pursuant to this chapter, the agency shall prepare and submit a report to the board of supervisors and to the city council of each city in the county on or before January 1 of the year following the end of the first full fiscal year after that date that the taxes are imposed pursuant to this chapter and annually thereafter. The report shall evaluate, and report progress made in, the implementation of the adopted master plan in the preceding fiscal year.

§ 26299.049. Operative date

26299.049. (a) Any transactions and use tax ordinance adopted pursuant to this chapter shall become operative as provided in Section 7265 of the Revenue and Taxation Code, or its successor.

(b) Prior to the operative date of the ordinance, the agency shall contract with the State Board of Equalization to perform all functions incidental to the administration and operation of the ordinance.

§ 26299.050. Combined rate of taxes

26299.050. (a) The combined rate of any transactions and use tax imposed in a county pursuant to this chapter and all other transactions and use taxes imposed in that county pursuant to the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code), or any other provision of law shall not exceed 1 percent.

(b) No tax shall be considered in a county in accordance with this part if, upon adoption, the combined rate of transactions and use taxes in the county will exceed 1 percent.

Article 4. Bonds

§ 26299.060. Authority to issue bonds

26299.060. (a) As part of the ballot proposition to approve the imposition of a retail transactions and use tax pursuant to this chapter, authorization may be sought to issue bonds payable from the proceeds of the tax to finance capital outlay expenditures as may be provided for in the master plan for county regional justice facilities adopted pursuant to Section 26299.009.

(b) Limited tax bonds may not be issued unless the estimated proceeds of the retail transactions and use tax for a period of 30 years after issuance of the bonds shall at least equal the aggregate principal and interest payable with respect to all limited tax bonds then outstanding plus the limited tax bonds proposed to be issued. For purposes of determining the principal amount of limited tax bonds outstanding, limited tax bonds shall be assumed to be paid at par either at their respective maturities or pursuant to mandatory sinking fund installments with respect thereto. For purposes of determining the aggregate interest payable with respect to any issue of limited tax bonds, bonds that bear interest at variable interest rates shall be assumed to bear interest for the terms thereof equal to the interest rate in effect on the date the bonds are issued or, in the case of limited tax bonds already outstanding, equal to the interest rate in effect on the date that the determination is made. For purposes of determining the estimated proceeds of the retail transactions and use tax for a period of 30 years, a finding made by the agency, incidental to any prospective issuance of bonds, regarding the amount of the estimated proceeds shall be binding and conclusive for all purposes.

§ 26299.061. Limited tax bonds

26299.061. (a) The bonds authorized by the voters concurrently with the approval of the retail transactions and use tax may be issued by the agency at any time, and from time to time, payable from the proceeds of the tax. The bonds shall be referred to as “limited tax bonds.”

(b) The pledge of the retail transactions and use tax revenues for the limited tax bonds authorized under this chapter shall have priority over the use of any of the tax revenues for “pay-as-you-go” financing, or any other purposes except to the extent that that priority is expressly restricted in the resolution authorizing the issuance of the bonds.

§ 26299.062. Permissible uses of limited tax bonds

26299.062. Limited tax bonds issued under this chapter may be used only for the following purposes:

(a) To finance the capital outlay expenditures for those qualifying facilities which the agency is authorized to construct, acquire, or furnish pursuant to Section 26299.032.

(b) To pay costs incurred in the issuance of the limited tax bonds.

(c) To fund a reserve fund for the limited tax bonds.

§ 26299.063. Issuance of limited tax bonds

26299.063. Limited tax bonds shall be issued pursuant to a resolution adopted at any time, and from time to time, by a two-thirds vote of the board of directors of the agency. Each resolution shall provide for the issuance of bonds in the amounts as may be necessary, until the full amount of bonds authorized have been issued. The full amount of bonds may be divided into two or more series and different dates of payment fixed for the bonds of each series. A bond need not mature on its anniversary date.

§ 26299.064. Content of resolution for issuance of bonds

26299.064. (a) A resolution providing for the issuance of bonds pursuant to this chapter shall state all of the following:

(1) The purposes for which the proposed debt is to be incurred, which may include all costs and estimated costs incidental to, or connected with, the accomplishment of those purposes, including without limitation, engineering, inspection, legal, fiscal agents, financial consultant and other fees, bond and other reserve funds, working capital, bond interest estimated to accrue during the construction period and for a period not to exceed three years thereafter, and expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(2) The estimated cost of accomplishing those purposes.

(3) The amount of the principal of the indebtedness.

(4) The maximum term the bonds proposed to be issued shall run before maturity, which shall not be beyond the date of termination of the imposition of the retail transactions and use tax.

(5) The maximum rate of interest to be paid, which shall not exceed the maximum rate allowed by Section 53531 of the Government Code, payable at intervals determined by the agency.

(6) The denomination or denominations of the bonds, which shall not be less than five thousand dollars (\$5,000).

(7) The form of the bonds, including, without limitation, registered bonds and coupon bonds, to the extent permitted by federal law, and the form of any coupons to be attached thereto, the registration, conversion, and exchange privileges, if any, pertaining thereto, and the time when all, or any part, of the principal becomes due and payable.

(b) The resolution may also contain any other matters authorized by this chapter or any other law.

§ 26299.065. Interest on limited tax bonds

26299.065. The agency may provide for the limited tax bonds to bear a variable or fixed interest rate, for the manner and intervals in which the rate shall vary, and for the dates on which the interest shall be payable.

§ 26299.066. Call and redemption of bonds

26299.066. (a) In the resolution authorizing the issuance of the bonds, the agency may also provide for the call and redemption of the bonds prior to maturity at the times and prices and upon other terms as specified.

(b) Notwithstanding the provisions [sic] of subdivision (a), no bond is subject to call or redemption prior to maturity, unless it contains a recital to that effect or unless a statement to that effect is printed therein.

§ 26299.067. Places of payment of principal and interest on bonds

26299.067. The principal of and interest on the bonds shall be payable in lawful money of the United States at the office of the treasurer of the agency, or at such other places as may be designated, or at both the office and other places at the option of the holders of the bonds.

§ 26299.068. Features of bonds

26299.068. (a) The bonds, or each series thereof, shall be dated and numbered consecutively and shall be signed by the chairperson or vicechairperson of the agency at the treasurer of the agency, and the official seal, if any, of the agency shall be attached.

(b) The interest coupons, if any, of the bonds shall be signed by the treasurer of the agency. All of the signatures and the seal may be printed, lithographed, or mechanically reproduced. However, the bonds shall not be valid or become obligatory for any purpose until manually signed by an authenticating agent duly appointed by the agency or its authorized designee.

(c) If any officer whose signature appears on the bonds or coupons ceases to be that officer before the delivery of the bonds, the officer's signature is as effective as if the officer had remained in office.

§ 26299.069. Bond sales

26299.069. The bonds may be sold as the agency determines by resolution. The agency may sell the bonds at a price below par, whether by negotiated or public sale.

§ 26299.070. Delivery of bonds

26299.070. Delivery of any bonds issued pursuant to this chapter may be made at any place either inside or outside the state, and the purchase price may be received in cash or bank credits.

§ 26299.071. Use of bond sale proceeds

26299.071. All accrued interest and premiums received on the sale of the bonds shall be placed in the fund to be used for the payment of the principal of and interest on the bonds, and the remainder of the proceeds of the bonds shall be placed in the treasury of the agency and applied to secure the bonds or for the purposes for which the debt was incurred. However, when the purposes have been accomplished, any money remaining shall be either (a) transferred to the fund to be used for the payment of principal of and interest on the bonds, or (b) placed in a fund to be used for the purchase of the outstanding bonds in the open market at prices and in the manner, either at public or private sale or otherwise, as determined by the agency. Bonds so purchased shall be cancelled immediately.

§ 26299.072. Refunding bonds

26299.072. (a) The agency may provide for the issuance, sale, or exchange of refunding bonds to redeem or retire any bonds issued by the agency upon the terms, at the times and in the manner which it determines.

(b) The proceeds of any bonds issued for the purpose of refunding outstanding bonds may, in the discretion of the agency, be applied to the purchase or retirement at maturity or redemption of outstanding bonds either on their earliest or any subsequent redemption date or upon the purchase or retirement at the maturity thereof and may, pending that application, be placed in escrow to be applied to the purchase or retirement at maturity or redemption on the date as may be determined by the agency.

(c) Pending that use, the escrowed proceeds may be invested and reinvested by the agency or its trustee in obligations of, or guaranteed by, the United States of America, or in certificates of deposit or time deposits secured by obligations of, or guaranteed by, the United States of America, maturing at a time or times appropriate to ensure the prompt payment of principal, interest, and redemption premium, if any, of the outstanding bonds to be so refunded. The interest, income, and profits, if any, earned or realized on the investment may also be applied to the payment of the outstanding bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of the proceeds and interest, income, and profits, if any, earned or realized on the investment thereof may be returned to the agency for use by it in any lawful manner.

(d) The provisions of this chapter for the issuance and sale of bonds apply to the issuance and sale or [sic] refunding bonds.

§ 26299.073. Principal amount of refunding bonds

26299.073. Refunding bonds may be issued in a principal amount sufficient to pay all, or any part of, the principal of the outstanding bonds, the premiums, if any, due upon call and redemption thereof prior to maturity, all expenses of the refunding, and either of the following:

(a) The interest upon the refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded out of the proceeds of the sale of the refunding bonds or to the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holder of the bonds.

(b) The interest upon the bonds to be refunded from the date of sale of the refunding bonds to the date of payment of the bonds to be refunded or to the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holder of the bonds.

§ 26299.074. Bond anticipation notes

26299.074. (a) The agency may borrow money in anticipation of the sale of bonds which have been authorized pursuant to this chapter, but which have not been sold or delivered, and may issue negotiable bond anticipation notes therefor and may renew the bond anticipation notes from time to time, provided that the maximum maturity of any bond anticipation notes, including the renewals thereof, shall not exceed five years from the date of delivery of the original bond anticipation notes.

(b) The bond anticipation notes, and the interest thereon, may be paid from any money of the agency available therefor, including the revenues from the retail transactions and use tax which may be imposed pursuant to this chapter. If not previously otherwise paid, the bond anticipation notes, or any portion thereof, or the interest thereon, shall be paid from the proceeds of the next sale of the bonds of the agency in anticipation of which the notes were issued.

(c) The bond anticipation notes shall not be issued in any amount in excess of the aggregate amount of the bonds which the agency has been authorized to issue, less the amount of any bonds therefor issued and then outstanding. The bond anticipation notes shall be issued and sold in the same manner as the bonds.

(d) The bond anticipation notes and the resolutions authorizing them may contain any provisions, conditions, or limitations which a resolution of the agency authorizing the issuance of bonds may contain.

§ 26299.075. Bonds constitute legal investment

26299.075. Any limited tax bonds issued pursuant to this chapter are a legal investment for all trust funds; for the funds of insurance companies, commercial and savings banks, and trust companies; and for state school funds. Whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or other districts within the state, that money or funds may be invested in the bonds issued pursuant to this chapter. Whenever bonds of cities, cities and counties, counties, school districts, or other districts within this state may, by any law now

or hereafter enacted, be used as security for the performance of any act or the deposit of any public moneys, the bonds issued pursuant to this chapter may be so used. The provisions of this chapter are in addition to all other laws relating to legal investments and shall be controlling as the latest expression of the Legislature with respect thereto.

§ 26299.076. Tax exemptions

26299.076. Notwithstanding any other provision of law:

- (a) The agency and its revenues are exempt from all taxes on, or measured by, income.
- (b) Bonds issued by the agency are exempt from all property taxation, and the interest on the bonds is exempt from all taxes on income.
- (c) All property owned by the agency is exempt from property taxes, assessments, and other public charges secured by liens.

§ 26299.077. Bonds constitute liability of issuing agency only, not any other public agency

26299.077. (a) Bonds issued pursuant to this chapter do not constitute a debt or liability of the state or of any other public agency, other than the county regional justice facilities financing agency issuing the bonds, or a pledge of the faith and credit of the state or of any other public agency, other than the issuing agency, but shall be payable solely from the funds provided therefor. All of the bonds shall contain on the face thereof a statement to the following effect:

“Neither the faith and credit nor the taxing power of the State of California or any public agency, other than the ____ County Regional Justice Facilities Financing Agency, is pledged to the payment of the principal of or interest on this bond.”

(b) The issuance of bonds pursuant to this chapter does not in any manner obligate the state or any other public agency thereof to levy, or to pledge, any form of taxation therefor or to make any appropriation for their payment.

§ 26299.078. No personal liability

26299.078. Neither the members of the board of directors of the agency, nor any person executing the bonds, are liable personally on the bonds, or are subject to any personal liability or accountability by reason of the issuance thereof.

§ 26299.079. Contest procedure

26299.079. Any action or proceeding wherein the validity of the adoption of the retail transactions and use tax ordinance provided for in this chapter or the issuance of any bonds thereunder or any of the proceedings in relation thereto is contested, questioned, or denied, shall be commenced pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure within six months from the date of the election at which the ordinance is approved. Otherwise, the bonds and all proceedings in relation thereto, including the adoption and approval of the ordinance and the retail transactions and use tax provided for therein, shall be held to be valid and in every respect legal and incontestable.

§ 26299.080. Contribution to agency from county or city within county

26299.080. The county and each city within the county is authorized to contribute to the agency such amounts as the county and each city, in their discretion, deem appropriate. These amounts may be used by the agency for any lawful purpose. The agency may commit to repay all or any portion of the amounts contributed, together with interest thereon at a rate not exceeding the interest rate specified from time to time in Section 53531 of the Government Code, from any lawful source, including, but not limited to, revenues derived from the retail transactions and use tax which may be imposed pursuant to this chapter.

§ 26299.081. No power to impose any other tax

26299.081. The agency has no power to impose any tax other than the transactions and use tax imposed upon approval of the voters in accordance with this chapter.

§ 26299.082. Legislative intent regarding funding

26299.082. It is the intent of the Legislature in enacting this chapter to ensure that counties are not deprived of state funds which might be made available to finance needed regional justice facilities, including adult and juvenile detention facilities, countywide law enforcement facilities, court facilities, other structures necessary or convenient thereto, and prevention programs subsequent to the enactment of this chapter, whether those funds be provided by statute or constitutional amendment.

§ 26299.083. Severability

26299.083. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

**EMAIL FROM CHARLES MARTEL,
JUDICIAL COUNCIL (2/28/20)**

Hi Barbara,

I hope you are doing well.

I'm writing in connection with your January 2, 2020 Request for Input on your draft memorandum on Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts. We've discussed internally and have the following comments.

The several Regional Justice Facilities Acts that are the subject of CLRC's review are laws giving a number of counties the right to raise taxes to finance construction of justice facilities including related court facilities in those counties. As such, we don't have an opinion as to whether they should be eliminated or not – that seems to be more of a county matter.

As to whether references to court facilities should be removed from the Justice Facilities Acts, we also do not have a strong opinion either way. As your memorandum notes, after trial court restructuring — especially the Trial Court Facilities Act of 2002 — the state, through the Judicial Council, is responsible for new court construction, so there is no reliance by the judicial branch on these references to court facilities in these Regional Justice Facilities Act judicial branch for future construction of court facilities. As I think we've discussed previously, court facilities have often been constructed in or near adult and juvenile detention facilities to reduce the cost and complexity of transporting in-custody individuals to and from court hearings. When relevant, proximity to detention facilities is a factor taken into account in assessing possible locations for construction of new court facilities by the Judicial Council. At the same time, while counties are generally no longer responsible for court facilities, there may be individual instances where a county might nevertheless want to fund construction of a court facility in or near a new detention center for use by the local court.

I hope that is helpful.

Regards,

Charley

Charles R. Martel, Supervising Attorney
Legal Services
Judicial Council of California
415-865-4967

**EMAIL FROM SUSAN MICHL,
COUNTY OF SAN BERNARDINO
(2/28/20)**

**Re: Comments on Trial Court Restructuring Clean-Up:
Regional Justice Facilities Acts**

Good afternoon.

Please accept the following comments from the County of San Bernardino:

The statutes on which the Court has requested comments predate the consolidation of the municipal and superior courts. The statutes are primarily an authorization for counties to place transactions taxes on the ballot to obtain voter approval for funding of court facilities, including jails. However, counties are no longer responsible for financing court facilities and there are several other statutes upon which the County may rely to place transactions taxes on the ballot to finance jails and public safety facilities. Therefore, the subject statutes are outdated and redundant. Our recommendation is to repeal the statutes rather than expend the resources to try and amend them.

If you have questions or need additional information, please contact our office.

Thank you.

Susan Michl, Executive Assistant
to Gary McBride, Chief Executive Officer
385 N. Arrowhead Avenue, 5th Floor
San Bernardino, CA 92415-0120
Susan.Michl@cao.sbcounty.gov
(909) 387-5417



**EMAIL FROM ROBERT J. OFTRING, JR.,
LOS ANGELES COUNTY SUPERIOR COURT
(2/5/20)**

Re: Law Revision Commission Request for Comments on Discussion Draft

Hi Barbara:

We have reviewed the attached discussion draft and have the following comments on the matter:

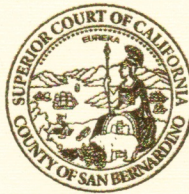
“The Court does not have an opinion as to whether the County Regional Justice Facilities Act (Govt. Code §§ 26299.00 – 26299.083) should remain or be repealed. The Court also has confirmed with the County of Los Angeles that it does not have an opinion on whether to amend the law or leave as is.

Having said that, if the Act remains, the Court suggests the Act be amended to apply only to detention and law enforcement facilities and delete all reference to court facilities.”

Please let me know if you have any questions.

Best,

Robert J. Oftring Jr.
Principal Legislative Affairs and Communications Analyst
Superior Court of California, County of Los Angeles
Stanley Mosk Courthouse |Room 107
(213) 633 1025 | roftring@lacourt.org



Superior Court of California
County of San Bernardino

Michael A. Sachs
Presiding Judge

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San Bernardino, CA 92415-0302
(909) 708-8747

Nancy CS Eberhardt
Court Executive Officer

January 24, 2020

Barbara Gaal
Chief Deputy Counsel
California Law Revision Commission
4000 Middlefield Road, Room D-2
Palo Alto, CA 94303-4739

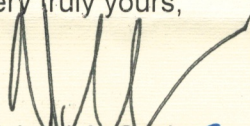
Dear Ms. Gaal:


Thank you for the opportunity to comment on possible revision of the COUNTY REGIONAL JUSTICE FACILITIES FINANCING ACT in light of the later restructuring of the trial courts. On behalf of the Superior Court in San Bernardino County, we suggest the provisions of Government Code sections 26299.000 to 26299.083 may be repealed without harm.

The Judicial Council has the responsibility for trial court facilities and therefore establishment of an agency is moot. (See e.g. Gov. Code, § 70391.) The courts do not independently have taxing or authority to issue bonds. Finally, the residual need for coordination is effectively obtained through memoranda of understanding between the Judicial Council, the County, and the Court.

Again, we appreciate your taking the time to consult us.

Very truly yours,


Michael A. Sachs
Presiding Judge


Nancy CS Eberhardt
Court Executive Officer

MAS/NE:sb

rec'd
2/3/20
may

**EMAIL FROM ROBERT SHERMAN,
VENTURA COUNTY SUPERIOR COURT
(2/20/20)**

Re: Trial Court Restructuring Clean-Up: Regional Justice Facilities Acts

Dear Ms. Gaal:

I am responding to your request for comments on the Law Revision Commissions discussion draft on the County Regional Justice Facilities Financing Act.

These statutes are obsolete due to the many changes over the past 22 years to trial court funding and trial court facilities management. The act could be deleted and there would be no impact to our court. As far as I am aware, Ventura County did not utilize this statute to fund any construction when the act was applicable.

It is a good time to remove these statutes from the books as they are no longer relevant.

Thank you.

Robert Sherman
Assistant Court Executive Officer/C.F.O.
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